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ABSTRACT

Presented by the North Carolina State Department of Public Instruction are the rules governing programs and services for children (handicapped and gifted) with special needs. Included are guidelines for the following areas: responsibilities and organization of the Division for Exceptional Children; organization and administration of local programs; special education allotments and special funds (such as for facilities and transportation); local equal educational opportunities plans; program areas for children with special needs; program and service alternatives; policies and regulations governing education expense grants for exceptional children; and procedures for referral, screening, assessment and placement. Also outlined are policies governing the organization and administrative structure of the Governor's School of North Carolina, procedures for review (of placement decisions), and a model structure for appeals to the State Superintendent of Public Instruction from decisions of local school boards. (LS)

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RULES

Governing Programs & Services for Children with Special Needs

DIVISION FOR EXCEPTIONAL CHILDREN
STATE DEPARTMENT OF PUBLIC INSTRUCTION
RALEIGH, NORTH CAROLINA 27611

EC081692

FOREWORD

The Rules governing programs for children with special needs recently have been revised to comply with the standards set forth in the Administrative Procedures Act passed by the 1973-74 General Assembly. Specific changes have been made in format, with a few minor changes occurring in content.

The new format establishes a structure for outlining programs and services according to the North Carolina Administrative Code. In addition, each section cites the General Statutes under which the State Board of Education has been given the authority to adopt rules and regulations in the respective areas.

To assist local education agencies in planning, the Division for Exceptional Children staff is committed to providing technical assistance to guarantee:

- an effective delivery system of services to exceptional children,
- the certification and retraining of teachers,
- full and appropriate services for all exceptional children by 1982, and
- the implementation of a service delivery model in each local school system.

The new Rules should be an invaluable resource as plans are developed to serve children identified in local communities as having special educational needs.

Theodore R. Drain

Theodore R. Drain, Director
Division for Exceptional Children

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SECTION .0600 - EXCEPTIONAL CHILDREN

.0601 GENERAL PROVISIONS

The Division for Exceptional Children is responsible for the following:

(a) Providing consultative services to local school systems in planning, establishing, and maintaining programs for the instruction of exceptional children in the least restrictive alternative setting. This service delivery is accomplished through a state and regional organization. The following areas of exceptional children are provided services as outlined in the policies and regulations:

(1) Crippled
(2) Emotionally Disturbed
(3) Gifted and Talented
(4) Hearing Impaired
(5) Homebound
(6) Hospitalized
(7) Learning Disabled
(8) Mentally Retarded
(9) Multi-Handicapped
(10) Speech and Language Impaired
(11) Visually Impaired

(b) Assisting local school systems in utilizing available resources through the completion of the Equal Educational Opportunities Plans as set forth in the Equal Educational Opportunities Act.

(c) Cooperating with other divisions in the Department of Public Instruction and other departments, agencies and institutions of higher education to foster a collaborative effort on behalf of all exceptional children.

(d) Disseminating information needed by parents, lay persons, legislators, organizations, and agencies to keep them properly informed and to assist them in better understanding programs for exceptional children.

(e) Coordinating and administering the activities of three federal programs:

(1) Education of the Handicapped Act (EHA), Title VI, Part C (South Atlantic Regional Center for Services to Deaf-Blind Children)
(2) EHA, Title VI, Part B (Federal Programs)
(3) EHA, Title VI, Part D (Professional Improvement of Teachers)

(f) Providing consultative services and technical assistance in the area of curriculum development and use of media and materials for programs for exceptional children.

(g) Providing staff development through state and federally funded activities and demonstration centers to improve and upgrade competencies of regular and special class teachers, administrators and support personnel.

History Note: Statutory Authority G.S. 115-1.1; G.S. 115-179.1; Chapter 563, Senate Bill 67; Chapter 678, House Bill 188; Chapter 896, Senate Bill 66; Public Law 91-230, EHA, Title VI, Parts B, C and D; Public Law 93-380, Education Amendments of 1974; G.S. 115-315.7, Article 38-B; 115-315.1 to 315.6, Article 38-A; Eff. February 1, 1976

.0602 ORGANIZATION

(a) The Division for Exceptional Children is organized to carry out its responsibilities under the leadership of the division director who is responsible for the overall direction and coordination of the Division which is organized to provide assistance to the following programs and services. Illustrative of these programs and services are the following:

(1) Federal Programs for the Handicapped
(2) Public Information
(3) Programs in the Area of Mentally Handicapped
(4) Physically Handicapped
(5) Learning Disabled
(6) Emotionally Disturbed
(7) Gifted and Talented
(8) Speech Impaired
(9) Language and Hearing Impaired
(10) Crippled
(11) Visually Impaired
(12) Deaf-Blind
(13) Hospitalized
(14) Homebound
(15) Education Expense Grants Program
(16) Psychological Services

(b) The Division is also responsible for providing coordination to regional services in the area of exceptional children. Illustrative of these services are the following:

(1) Regional Coordinators
(2) Technical Assistance Centers
(3) Staff Development Centers

History Note: Statutory Authority G.S. 115-141; Eff. February 1, 1976

.0603 ORGANIZATION AND ADMINISTRATION OF LOCAL PROGRAMS

(a) Administration of All Programs for Children with Special Needs

(1) The State Department of Public Instruction's policies and regulations governing programs for children with special needs shall be adopted by the State Board of Education upon recommendation by the State Superintendent. Implementation of the policies and regulations shall be the responsibility of the local superintendent and the local board of education.

(2) It is the declared policy of the State Board of Education in reaffirming action of the General Assembly in An Act to Establish Equal Educational Opportunities in the Public Schools and For Other Purposes (G.S. 115-1.1) "to insure every child a fair and full opportunity to reach his full potential and that no child as defined in this act shall be excluded from service or education for any reason whatsoever."

(3) The programs, as specified in these policies and regulations and provided for in An Act to Establish Equal Educational Opportunities in the Public Schools and For Other Purposes (Chapter 1293), shall be operated as a part of the Department of Public Instruction and shall be under the general supervision of the State Superintendent.

(4) In the administration of these programs, the State Superintendent, the Controller and the State Board of Education shall deal solely with county and city superintendents and their local boards of education.

(5) Local programs shall be administered and supervised by county and city superintendents in accordance with policies adopted by their local boards of education and consistent with the policies and regulations of the State Board of Education.

(6) Each local administrative unit will develop and submit to the Division for Exceptional Children its own Equal Educational Opportunities Plan (Chapter 563, Senate Bill 67).

(7) Services of other state and local agencies should be utilized in providing maximum service to children with special needs.

History Note: Statutory Authority G.S. 115, Articles 36, 37, 38A, 38B, 38C;
Eff. February 1, 1976

.0604 SPECIAL EDUCATION ALLOTMENTS AND SPECIAL FUNDS

(a) Basis of Allotments

(1) The Controller shall allot non-categorical positions for teachers and speech, language and hearing specialists and categorical learning disability allotments for teachers to local school administrative units.

(2) The non-categorical allotments shall be in accordance with a formula based upon projected membership credits by local administrative units and the total number of positions available.

(3) Categorical learning disability positions allotted by the Controller may be used only for teaching children with learning disabilities.

(b) Use of State Allotments

(1) State allotted non-categorical positions for teachers and speech, language and hearing specialists must be used exclusively for the instruction of children with special needs in one or more of the following categories and services:

(A) Crippled
(B) Emotionally Disturbed
(C) Gifted and Talented
(D) Hearing Impaired
(E) Homebound
(F) Hospitalized
(G) Learning Disabled
(H) Mentally Retarded
(I) Multi-Handicapped
(J) Speech and Language Impaired
(K) Visually Impaired

(2) The only exception are teachers in bona fide team teaching situations. An example of this situation is when a special education teacher and regular teacher are located in the same classroom. The special teacher is assigned a number of children with special needs and the regular teacher is assigned regular children. Even though the special teacher works primarily with the special children, he or she may work with the regular children also since they are all taught in the same classroom.

(c) Prorated Allotments

(1) Where conditions limit the feasibility of the employment of full-time personnel:

(A) the equivalent of one position may be filled by two or more persons, or

(B) one position may be prorated among programs for children with special needs. Prior approval must be obtained from the director, Division for Exceptional Children, before prorating allotments and will

be included in the Equal Educational Opportunities Plan.

(d) Eligibility and Age of Children with Special Needs

(1) As special teaching allotments and special funds are provided for children with special needs who, because of handicapping or exceptional conditions, require supplemental services or special placement, the placement of children in any program shall be based on a competent evaluation by qualified personnel and shall be in keeping with due process procedures and placement in the least restrictive setting. Evaluations should be continuous and before the school year ends, the school-based committee should review the placement of each child so that they may be placed in the most appropriate program for the following year. It shall be the responsibility of county and city boards of education to obtain any evaluations required.

(2) All special teaching allotments and special funds except grant-in-aid funds for the trainable mentally retarded may be used for children with special needs who are between the ages of birth and twenty-one.

(3) To be eligible for enrollment in a public school program for the trainable mentally retarded, elementary and secondary levels, a child must have attained his sixth birthday but not his eighteenth birthday, provided that a child attaining his sixth birthday in the ensuing school year may be admitted at the beginning of the school year, and provided further that a county or city board of education may enroll older youth between their eighteenth and twenty-first birthdays in a secondary class designed for eligible children in the 15 to 21 age group.

(e) Joint Programs: Two or more units may join together in providing programs for children with special needs. This shall be accomplished by action of the local boards of education and by written agreement recorded in their minutes. Such written agreement shall indicate the unit having administrative responsibility for the programs and to which funding shall be made by the State Board of Education.

(f) Instructional Materials, Supplies and Equipment: Local boards of education shall determine and make necessary arrangements for providing the materials, supplies and equipment essential to the instructional programs for children with special needs.

(g) Facilities: Facilities and equipment to be used in programs and services to meet the needs of children with special needs should be designed and organized to meet the particular needs of the exceptional children being served. For some there will be an additional need for special provisions of space and

equipment that would contribute to the therapeutic management and instructional environment of these children.

(h) Transportation: Local boards of education are responsible for providing transportation for children with special needs. Special funds are provided for this purpose through the director, Division of Transportation of the State Board of Education, and are incorporated in the general transportation plan of the local board.

(i) Per Pupil Grant-in-Aid Funds for the Trainable Mentally Retarded: These funds may be used to reimburse children enrolled in public day school programs for the trainable mentally retarded who cannot be adequately served in programs for the mildly retarded (EMR), but who can be adequately served in a public day school program.

(1) In applying for state grant-in-aid funds, local boards of education shall:

(A) give evidence of need for a program by certifying to the State Superintendent of Public Instruction the number of children adjudged to be eligible, and

(B) give evidence of financial ability and willingness to aid in maintaining a satisfactory program by submitting to the Division for Exceptional Children an operating budget showing resources available and expenses contemplated. The Division for Exceptional Children will review the budget and forward it to the Controller for approval.

(2) Upon determination of the total state appropriation for this program, the Controller shall make allocations to local boards of education based upon requests from local boards and within funds available for this purpose.

(3) The allocations made to the various local boards of education shall include all funds for this purpose, including salaries and all fringe benefits on state standards (employer's cost of retirement, social security, hospitalization, or any other fringe benefits).

(4) For the current year local boards of education operating approved training programs will be reimbursed by the Controller at the conclusion of each twenty-day school month at a rate determined by the State Board of Education per month per eligible child in average daily membership in the program during the preceding twenty days within the allocation approved for each local board of education operating an approved program. (Note that the grant-in-aid reimbursement is based upon the ADM of the pupils and not upon length of the term of employment for teachers and teacher aides.)

(5) In qualifying for per capita reimbursement defined in section 4 above, local boards of education shall certify monthly to the Division for Exceptional Children

the average daily membership of children in each class in the program during the preceding month. Upon verification and approval of the request, the Controller shall make payment.

(6) State grant-in-aid funds may be used by local boards of education for any operation and maintenance item of expenditure included in the budget of the program as submitted to and approved by the Division for Exceptional Children and the Controller. No state grant-in-aid funds provided under this act shall be used for capital outlay purposes.

(7) In no instance will the total reimbursement to a local board of education exceed the allocation from state funds for that unit.

(8) All funds involved in the operation of this program, from whatever source, shall be properly audited. This audit shall be available to the State Superintendent of Public Instruction and the Controller upon request.

(9) Compensation of Personnel in this Program

(A) Teachers shall be paid on the same certification-experience basis as if employed to work with other exceptional children.

(B) Teacher aides shall be paid at a rate commensurate with qualifications and responsibilities as determined by the local board of education.

(10) The class size for the TMR program for grant-in-aid assistance will be as follows: 0 to 6--one teacher; 6 to 12--one teacher, one aide; 13 to 16--one teacher, two aides.

(11) Length of Term and Hours of Operation

(A) Classes in this program shall operate five days per week for 180 days, and its calendar shall be concurrent with that of other public school pupils in the administrative unit.

(B) The hours of operation for the classes shall be determined by the local board of education, but shall be generally consistent with other public day school programs.

(C) The term of employment for teachers and teacher aides in this program shall be ten calendar months and shall be concurrent with the term of employment of other instructional personnel in the unit.

(j) Funds for Preschool and School-Age Hearing Impaired Children

(1) Local administrative units will develop proposals (objectives, proposed activities, evaluation procedures, budget) for submission to the State Superintendent of Public Instruction based on hearing-impaired pupil's needs as determined by audiological and educational evaluations.

(2) Priority will be given to those administrative units utilizing special education allotments or locally funded teaching positions for hearing impaired programs.
(3) Preference will be given to proposals in this order: preschool, primary, elementary, middle grades, junior high and senior high.
(4) Funds can be used only for the employment of teachers and teacher aides and for the purchase of educational equipment, materials and supplies.

(k) Allotments and Use of School Psychologists
(1) The allotment of positions for psychologists to administrative units by the Controller will be upon the recommendation of the State Superintendent of Public Instruction and approval of the State Board of Education. For each position allotted, the Controller shall allot $15,000 for the support of the position, including salaries and wages and all fringe benefits (hospital insurance, employer's cost of retirement and social security, and any other fringe benefits).
(2) A Superintendents' Council for each Special Education Service Area consisting of all school superintendents in that Area shall formulate a recommendation to the State Superintendent of Public Instruction for his consideration in recommending to the Board the allotments of the positions.
(3) The school psychologist positions provided for each Special Education Service Area will be allocated on a formula approved by the State Board of Education.
(4) Regional representatives from the Department of Public Instruction, Division for Exceptional Children, shall provide technical assistance in the coordination and monitoring of the activities of the school psychologists employed in each Area.
(5) The Superintendents' Council in each Area will recommend to the administrative units receiving positions the work assignment, office placement, travel, secretarial assistance and any other matters relating to the local administration of the program.
(6) Persons filling these positions are to identify, diagnose and evaluate children who are not succeeding in the regular school program and to assure correct placement of these children.
(7) Psychologists shall meet either Level 1, 2 or 3 certification as approved by the Board and the Division of Certification, State Department of Public Instruction. Only certified professionals will be approved for funding under this program.
(8) The allotments are for full-time positions on a ten to twelve calendar month basis.

(9) All new personnel employed under these rules will be reimbursed on a teacher's salary schedule based on experience and rating from the Division of Certification. Personnel presently employed under other salary schedules will be limited to their present salary until they are moved to the teacher's salary schedule.

(10) The psychologist positions may serve students in grades K-12. First priority for services should be given to grades K-6, with emphasis on prevention and early identification and remediation of problems.

(11) If qualified school psychologists cannot be employed full-time, the money allocated to the LEA for this position may be used to contract with approved training programs in school psychology for the placement of interns to provide psychological services in their LEAs. (Guidelines for this program may be obtained from the Division of Pupil Personnel Services.)

(1) Qualifications of Personnel

(1) Teachers of exceptional children shall hold as a minimum a class "A" certificate, except that in emergency situations a teacher who holds less than a class "A" certificate may be employed upon approval by the State Superintendent, with a copy of such approval furnished to the Controller. In the latter situation, this person with less than a class "A" certificate must be actively working toward "A" certification through course work at the minimum rate of six semester hours per year. A request for such approval submitted by a county or city superintendent shall certify that a qualified "A" certified teacher is not available and will indicate the qualifications as to experience and/or special training of the applicant being considered who holds less than a class "A" certificate.

(2) All teachers of exceptional children employed during the 1972-73 or 1973-74 school years shall be certified by September 1, 1977 under the 18 semester hours or the requirements of a competency-based program for certification. Personnel employed for services to exceptional children in 1974-75 and each year thereafter have a maximum of three years to obtain exceptional children certification and must work at a rate of six semester hours each year of employment to be employed in these positions. Beginning speech, language and hearing specialists shall be certified in speech and language to be employed.

(3) An exception to "A" certification may exist in the per pupil grant-in-aid program for trainable mentally retarded. Teachers in this program shall have as a minimum a valid teaching credential issued by the State Depart-

ment of Public Instruction. Beginning on September 1, 1981, all teachers of the trainable mentally retarded shall be certified in special education.

(4) Teacher aides employed in the per pupil grant-in-aid program referred to in the previous paragraph shall have training at least equivalent to high school graduation.

(m) Use of Exceptional Children Teaching Positions for School Psychologists of Programs Serving Exceptional Children

(1) A maximum of two state allocated non-categorical teaching positions for exceptional children may be used as a school psychologist in a local administrative unit that has seventy-five or more full-time equivalent positions. In administrative units that have fewer than seventy-five full-time equivalent positions, but with a minimum of twenty full-time equivalent positions, one state allotted non-categorical teaching position may be used as a school psychologist for exceptional children.

(2) The state-paid portion of the salary of the person in such a position would be the same as if that person were employed as a special education teacher. The local administrative unit is encouraged to supplement this salary in keeping with the administrative responsibilities of the position.

(3) Funds allocated under the support services funds for children with special needs and support funds from the Division of Pupil Personnel Services cannot be used to supplement the salaries of the school psychologists employed under this program.

(4) Two or more units may share the services of one school psychologist, but the position must come from the allotment to a single unit rather than being split among positions allotted to several units.

(5) Only certified school psychologists will be approved for funding under these rules.

(6) Approval for the use of a state allotment for a school psychologist shall be based on a written proposal submitted to and approved in advance of employment by the Division for Exceptional Children, with a copy of the approval filed with the office of the Controller.

(n) Use of Exceptional Children Teaching Positions for Local Chairpersons of Programs for Exceptional Children

(1) The following conditions shall prevail if a local unit wishes to utilize a state-allotted position for exceptional children as a chairperson of programs for exceptional children:

(A) A maximum of two state-allotted non-categorical teaching positions for exceptional children may be used as a chairperson of programs for exceptional

children in a local administrative unit that has seventy-five or more full-time equivalent positions. In administrative units that have fewer than seventy-five full-time equivalent positions, but with a minimum of twenty full-time equivalent positions, one state-allotted non-categorical teaching position may be used as a chairperson of programs for exceptional children.

(B) The state-paid portion of the salary of the person in such a position would be the same as if that person were employed as a special education teacher. The local administrative unit is encouraged to supplement this salary in keeping with the administrative responsibilities of the position.

(C) Two or more units may share the services of one chairperson, but the position must come from the allotment to a single unit rather than be split among positions allotted to several units.

(D) In addition to teaching experience, the chairperson shall have an academic degree at the master's level in the education of exceptional children or be certified in some area of exceptionality.

(E) Approval for the use of state allotments for chairpersons shall be based on a written proposal submitted to and approved in advance of employment by the Division for Exceptional Children with a copy of the approval filed with the office of the Controller.

(o) Exceptional Children Support Services Money

(1) The Controller shall allocate to each local board of education an amount of money based on a formula adopted by the State Board of Education. These funds are to supplement and be used for children who have been identified and placed in programs and services to meet their special needs. These funds may not be used for capital outlay items or costs. They may be used only for the following:

(A) Special materials and supplies

(B) Special equipment

(C) Salaries or contracted services of special supportive personnel limited to physical therapists, occupational therapists and teacher aides (priority should be given to aides for the moderately to profoundly impaired).

(D) Salaries or contracted services for the following:

(i) Special tutorial aid to children with special needs (example: hourly employment for hospital/homebound teachers)

(ii) Medical evaluations

(iii) Psychological services

(E) A continuing census

(F) Administrative costs (to be used only for clerical assistance, travel expenses, postage, printing, purchase of materials and supplies including tests) of placing children in programs and services.

(2) All personnel employed under this program should be licensed, certified or determined qualified by their appropriate agency.

(3) Salaries to be reimbursed from these funds cannot exceed the "state salary schedule" established by the State Board of Education. A local board of education may supplement the salaries with local or other funds.

(4) These funds shall not supplant other state funds for instructional materials and service positions.

(5) These funds shall not be used to supplant existing programs or services for children with special needs. At the end of the fiscal year, the local administrative unit shall provide documentation in writing to the Controller of the amount of monies expended for the development and implementation of the local administrative unit's Equal Educational Opportunities Plan.

(6) These funds shall not be obligated until the Equal Educational Opportunities Plan and its activities have been approved by the Division for Exceptional Children with a copy on file with the Controller's office.

(p) Allocation to School Administrative Units and Use of Staff Development Funds

(1) Allocations shall be made to the educational regions, multi-administrative units or individual administrative units by the Controller on the recommendation of the State Superintendent and the approval of the State Board of Education.

(2) Staff development funds are to be used to support the following:

(A) To grant certification endorsement to teachers of exceptional children.

(B) To improve competencies, knowledge and skills of certified teachers, teacher's aides, support personnel and regular classroom teachers who work with exceptional children.

(C) To provide competencies for teachers moving into new roles (program areas serving exceptional children).

(D) To improve competencies, knowledge and skills of teachers serving severely handicapped and young handicapped children.

(3) The funds may be used for inservice courses, institutes, workshops, consortiums, tuition and fees and staff development center workshops.

(4) These funds cannot be used to hire full-time personnel and travel of participants to attend conferences.

(5) A staff development plan will be submitted to the Division for Exceptional Children for prior approval before funds can be expended. The plan will include the following:
   (A) Objectives for each proposed activity
   (B) Activity description
   (C) Outcome statement(s)
   (D) Proposed budget
(6) Payment of consultants cannot exceed the rate established by the Department of Administration.
(7) Funds shall also be used for state developed and directed institutes, workshops and leadership training seminars. Participants may include teachers, administrators and parents.

History Note: Statutory Authority G.S. 115, Articles 36, 37, 38A, 38B, 38C;
Eff. February 1, 1976

.0605 APPROVED PROGRAM PLAN

(a) Submission and Review of Equal Educational Opportunities Plan

(1) Local administrative units shall develop comprehensive plans, hereafter referred to as the Equal Educational Opportunities Plan, for programs and services for each school year to meet the special needs of all exceptional children. These plans will be submitted to the Division for Exceptional Children on forms supplied by the Division. Following review and approval, the Division staff and regional program planners will be available to work with each administrative unit in plan implementation.

(b) Development of Equal Educational Opportunities Plan

(1) In developing a plan of programs and services for children with special needs, local units shall include the following:

(A) Service forecasting

(B) Planning a continuum of services for children with special needs in the least restrictive alternative. The plan shall entail the use of state allotted positions, locally funded positions, federally funded positions, and prorated positions.

(C) Providing procedures on referral, screening, assessment, placement and due process.

(D) Drafting a plan to implement a continuing census of children with special needs.

(E) Identification of new programs and services to be offered:

(i) Identification and utilization of new support services money

(ii) New teacher allotments

(iii) Federal funds

(iv) Other resources

History Note: Statutory Authority G.S. 115, Articles 36, 37; 38A, 38B, 38C;
Eff. February 1, 1976

.0606 PROGRAM AREAS FOR CHILDREN WITH SPECIAL NEEDS

(a) It is envisioned that within the next few years the use of traditional categorical labeling will be eliminated. In this transitional period, it is advantageous to communicate through the use of categories.

(b) The Equal Educational Opportunities Act (G.S. 115-1.1) has defined ... "child with special needs" as "any child who because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, environmental factors, or other specific learning disability is inhibited from achieving his full potential; to include ... the educable, trainable, profoundly, and functionally retarded, emotionally disturbed, learning disabled, the physically handicapped or other impairments including hospitalized, homebound, ... the deaf or hearing impaired, the language or speech impaired, the blind or visually impaired, gifted and talented, autistic ... multiple impaired ..." In developing programs and services for these children, the least restrictive alternative policy should underlie the program.

(1) Programs for Crippled Children: Definition: A crippled child has qualifying disabilities which are of a serious, long-term, permanent, or progressive nature and may include disabilities resulting from orthopedic, cardiac, or other systemic conditions.

(2) Programs for Emotionally Disturbed Children

(A) Definition: Emotional problems of children will be defined as those situations in which children experience frustration resulting in behavior which is different from the usually expected or desired. This affects the child's educative and social experiences and results in a noticeable susceptibility to one or more of these five patterns of behavior:

(i) An inability to learn which cannot be adequately explained by intellectual, sensory or general health factors.

(ii) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(iii) Inappropriate or immature types of behavior under normal conditions.

(iv) A general pervasive mood of unhappiness or depression.

(v) A tendency to develop physical symptoms, pains or fears associated with personal or social problems.

(B) This definition does not include those students whose learning and adjustment problems are primarily due to:

(i) Mental retardation

(ii) Severe sensory or physical handicaps

(iii) Ordinary classroom behavior problems and social

problems resulting from delinquency and drug abuse.

(3) Programs for Gifted and Talented Children: Definition: A child who is gifted and talented is one who falls within the upper ten percent in the total school district on intelligence tests, achievement tests, and/or scales that rate behavior characteristics. This child has academic talent and generally performs above average in his classwork and/or may demonstrate a special talent in areas such as creativity, communication, leadership, decision making, forecasting and planning as indicated by the use of behavioral scales and checklists. Consideration must be given to the ethnic composition of the pupil population.

(4) Programs for Children with Hearing Impairments: Definition: Hearing impaired children are those with hearing losses which are handicapping educationally and developmentally and include those children who may later be educationally classified as hard-of-hearing, as well as those who may later be classified as deaf.

(A) Hard-of-hearing children are those whose hearing is defective but still functional, with or without a hearing aid, for the ordinary purposes of life.

(B) Deaf children are those whose hearing is not functional for the ordinary purposes of life.

(5) Programs for Homebound Children: Definition: A child who is considered homebound is one who is disabled to the degree that it is impossible or mechanically inadvisable for him to attend public school even with the provision of special classes and transportation. He is expected by competent medical authority to be away from the classroom for a minimum of four weeks. The medical statement should set forth the nature and extent of the handicap, the physical or psychological limitations under which the child can operate successfully, and the anticipated length of time he is expected to be incapacitated. Pregnant school girls may also qualify if all the above criteria are met.

(6) Programs for Hospitalized Children: Definition: This is a child who is confined to a general or psychiatric hospital for treatment or for a long period of convalescence, and must be expected by competent medical authority to be away from the classroom for a minimum of four weeks.

(7) Programs for Learning Disabled Children: Definition: Learning disabled children exhibit a disorder in one or more of the basic psychological or physiological processes involved in understanding and in using spoken or written languages. These may be manifested in disorders of listening, thinking, reading, writing, spelling, or arithmetic. They include, but are not limited to conditions which have been referred to as perceptual handicaps, brain injury,

minimal brain dysfunction, dyslexia, and/or developmental aphasia. They do not include learning problems which are due primarily to visual and hearing impairment, mental retardation, emotional disturbance, motor handicaps, or cultural or environmental deprivation. These conditions do include those children who are sometimes labeled as:

(A) Minimal brain dysfunctioned
(B) Aphasic
(C) Dyslexic
(D) Perceptual impaired
(E) Specific language disabled
(F) Neurological impaired
(G) Strephosymbolic
(H) Hyperkinetic
(I) Hypokinetic
(J) Dyspraxic

(8) Programs for Mentally Retarded Children: Definition: Mental retardation refers to subaverage general intellectual functioning which originates during the developmental period and is associated with impairment in adaptive behavior. The adaptive behavior refers primarily to the effectiveness of the individual in adapting to the natural and social demands of his environment. It has two major facets: (1) the degree to which the individual is able to function independently and (2) the degree to which he meets satisfactorily the culturally imposed demands of personal and social responsibility. The assessment process will determine whether the child is placed in a program for mildly retarded (educable mentally retarded), moderately retarded (trainable mentally retarded), or severely/profoundly retarded. The intelligence quotient range for placement in programs for the educable mentally retarded is 50-75 which includes one standard error of measurement. The intelligence quotient range for placement in programs for the trainable mentally retarded is 30-50 which includes one standard error of measurement. Some children who score below 30 on an individual psychological test may be served in the trainable mentally retarded program if other data indicates greater potential. Children who are severely and profoundly retarded and who cannot benefit from placement in a trainable mentally retarded program should be served in a separate program designed to meet their needs.

(9) Programs for Multi-Handicapped Children: Definition: This is a child who has a combination of two or more handicaps (example - deaf/blind) that would generally result in exclusion from other educational programs and services provided by the public schools.

(10) Programs for Speech and Language Impaired Children: Definition: Children requiring speech and language services are those who evidence:

(A) Defective production of phonemes (speech sounds) that interfere with readily intelligible speech.

(B) Abnormality in pitch, loudness or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication or produces maladjustment.

(C) Disruptions in the normal flow of verbal expression that occur frequently, or are markedly noticeable and are not readily controllable by the pupil.

(D) Disability in verbal learning resulting in a markedly impaired ability to acquire, use or comprehend spoken or written language where no significant degree of sensory or motor incapacity, mental retardation, emotional maladjustment or environmental disadvantage is present as the primary disabling condition.

(E) Delayed language acquisition resulting from sensory or motor incapacity, mental retardation, emotional maladjustment or environmental disadvantage.

(11) Program for Visually Impaired Children

(A) Definition: Blind children are those who have so little remaining vision that they must use braille as their reading medium. Partially-seeing children are those who have a loss of vision, but are able to use regular or large type as their reading medium. These will generally be children who have a visual acuity between 20/70 and 20/200 in the better eye after correction.

(B) Children who are legally blind are those who have a visual acuity of 20/200 or less in the better eye after correction or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees. This definition applies to those children eligible to receive books and materials provided from federal funds.

History Note: Statutory Authority G.S. 115, Articles 36, 37, 38A, 38B, 38C;
Eff. February 1, 1976

.0607 PROGRAM AND SERVICE ALTERNATIVES FOR EXCEPTIONAL CHILDREN

(a) Each local administrative unit shall establish and maintain services which meet the educational needs of children with the following handicapping characteristics or exceptional needs:

(1) Auditory, visual, physical or health impairment
(2) Speech or language impairment
(3) Deficits in the essential learning processes of perception, conceptualization, memory, attention or motor control
(4) Deficits in intellectual development and mental capacity
(5) Affective disorders of adaptive behavior which place restraints on the effective functioning
(6) Outstanding abilities which require special services to aid in achieving optimum potential

(b) Traditionally the characteristics of children with special needs have been included in the following categories:

(1) Crippled
(2) Emotionally Disturbed
(3) Gifted and Talented
(4) Hearing Impaired
(5) Homebound
(6) Hospitalized
(7) Learning Disabled
(8) Mentally Retarded
(9) Multi-Handicapped
(10) Speech and/or Language Impaired
(11) Visually Impaired

(c) To the maximum extent possible, children shall be educated in regular class settings. When the regular class environment does not prove satisfactory in meeting the needs of the children, consultant or supportive services, remedial or advanced instruction and/or special instructional materials should be provided prior to removing them from the regular classoom.

(d) Whenever possible, problems in learning and normal functioning of children requiring special services should be overcome in the regular classroom rather than in a separate program or school.

(e) Special classes, separate schools or removal of children requiring special education from the regular educational environment should occur only when the needs of the children are such that education in regular classes, even with the use of supplemental aids and services, cannot be accomplished satisfactorily.

(f) Each local administrative unit shall document in writing the specific reasons a child's special education needs cannot be met in the regular classroom before placing him in a special class or school. When a child is placed in a special class or school, objectives should be developed and efforts should be made to return the child to the regular classroom setting when it is

determined that he can succeed in the regular program or that his exceptional needs can be met.

(g) Special education teachers should continue to deliver special services to the child in the regular classroom if needed until the regular teacher can take full responsibility for the child. No child should be returned to a regular class without follow-up services to him and the regular classroom teacher.

(h) Supportive personnel should be made available to assist in the implementation of the child's educational program and progress.

(i) Extended school day programs represent an alternative to the public day school and could prove especially beneficial to children with special needs. The eligibility of children to attend the extended school day program should be based on the same eligibility requirements as for any other child in the school.

(j) If special programs and services for children with special needs are required, the same placement procedures will be followed as for programs and services in the regular public day school.

(k) Continuum of Program and Service Alternatives

(1) In order that a child's needs can be met, a number of options should be made available for the delivery of programs and services. The principal determinants in selecting the program or service for each child should be goals of the child's individual educational plan. In providing services to a child with exceptional educational needs, the first factor should be the degree to which the child will profit from such an arrangement rather than administrative considerations. The principal determinants of the number of children served in each program will be the age of the children, the nature and severity of their handicapping characteristics or advanced intellectual status, and the degree of intervention necessary to meet the individual needs.

(2) The Division's program design offers a continuum of programs and model services for children with special needs, ranging among the following alternatives in their increasing degree of restrictiveness as listed:

(A) Regular Classroom: Many children with special needs will be maintained in regular classrooms full time. The teacher will individualize the program to meet the needs of these children. The teacher may seek consultative services from resource persons.

(B) Regular Classroom Program with Supportive Services: At this level of the continuum, children remain with their regular teacher for most of their instruction. However, supportive personnel may work with the child in the regular classroom or may have the child leave the regular class to go to another setting for service.

This service may not occur every day, but must occur no less than one hour a week.

(C) Part-Time Special Class: This type of service occurs every day for a minimum of one hour or one class period, but may cover most of the day except for those periods of time during which the child is returned to regular classes for programs such as creative arts, physical education or activity periods so as to give him opportunities to interact with his peers. Some classes may be departmentalized by subject areas such as Advanced Placement English or arranged in blocks of time such as language arts and social studies.

(D) Full-Time Special Class: Some children have needs which cannot be met in any of the previously described program alternatives. Their needs require a major modification of their curriculum or a major modification in approach and methodology. Some of these children may need to be returned to a less restrictive alternative whenever the educational objectives for the child in this program have been met. The classes are located in a school building where classes for regular students are being held.

(E) Special Day School: Some local administrative units have decided to locate their special programs more restrictively in a separate building or school. A child should be placed in a special day school only when his needs cannot be met in a regular school environment. A clear educational advantage for this arrangement must be documented prior to the placement of a child in this program. Developmental day centers provide training and socialization opportunities to children who have demonstrated a significant lag in one or more areas of development and cannot presently be served in the public schools. Education objectives should be written for each child. If public education funds support the educational program, the alternative is considered less restrictive than if public educational funds are absent.

(F) Hospital/Home Services: Any child who is confined to a hospital for a period of treatment greater than four weeks is eligible for a program. These children will return to a regular school setting after discharge from the hospital. Each child is provided instruction at his appropriate grade level and in the appropriate curriculum areas. Home services are for children who are disabled to the degree that it is impossible for them to attend public school even with the provisions of special classes. In order to receive services, a

should include a Communication Development Program, a Communication Deviations Program, and a Communication Disorders Program.

(A) The Communication Development Program serves the general school population and is prevention-oriented providing strong speech and language models and sequenced curriculum activities emphasizing listening skills, cognitive and expressive competencies, understanding and protection of the hearing and speech mechanism, and self-confidence to help children develop appropriate communicative behaviors in social, educational and cultural contexts. The role of the speech, language and hearing specialist includes planning, promotion, consultation and demonstration with professionals and supportive personnel.

(B) The Communication Deviations Program serves individuals with mild developmental or non-maturational problems in articulation, voice, fluency or language, as well as those with mild hearing loss requiring minimal aural rehabilitation procedures. The program provides services which include speech, language and hearing screening, and speech and language improvement. The speech, language and hearing specialist's role includes identification, diagnosis, organization, consultation and supervision of supportive personnel and occasionally a direct role in correction and follow-up. The deviations program may be conducted in regular classrooms, large groups, small groups, and it may be itinerant, block or building based.

(C) The Communication Disorders Program serves children with handicapping disorders of communication. It includes comprehensive diagnostic and intensive individual and/or small group therapy utilizing modern research technology and diagnosis and program management, including direct scheduling, referral, counseling, direct therapy, and dismissal. The speech, language and hearing specialist works with children on an individual basis or in small groups. Scheduling varies according to the pupil's needs.

History Note: Statutory Authority G.S. 115, Articles 36, 37, 38A, 38B, 38C;
Eff. February 1, 1976

.0608 POLICIES AND REGULATIONS GOVERNING EDUCATION EXPENSE GRANTS FOR EXCEPTIONAL CHILDREN

(a) Purposes

(1) To help provide appropriate education in private or out-of-state schools for those severely handicapped or multi-handicapped children who are eligible to attend the North Carolina public schools but whose educational needs are so unusual or so specialized that public school programs in the state may not exist to meet those needs.

(2) To provide primarily for the education of the child rather than to provide primarily for medical, therapeutic, custodial, day care, residential, or other services or treatment for the child.

(3) To help offset the actual tuition charges made to the parent or guardian by the school irrespective of the approval of this tuition grant, rather than to help offset the expenses of the school in providing or maintaining the education or other services to the child.

(4) Not to inhibit the development of public school programs for the severely or multi-handicapped, nor necessarily to promote the development of private or out-of-state programs for such children.

(b) Policies

(1) Eligibility for the expense grant shall be based upon the educational needs of the child rather than upon the financial needs of the child or his family. The amount of the expense grant may be reduced, however, to cover only the tuition not covered by other funds available for the child such as insurance policy or federal funds (CHAMPUS, for example).

(2) The expense grant may supplement other funds, but the combination of all such funds shall not exceed the school's tuition charge for the period under consideration.

(3) The private or out-of-state school must offer an appropriate approved educational program approved for the school year in question by the appropriate public agency in the state where the school is located, which will meet the educational needs of the exceptional child.

(4) The child must have a severe handicap or combination of handicaps.

(5) The exceptional handicapping condition, whether due to mental, physical, emotional or multiple reasons, must be substantiated by professional evaluation. Such professional evaluation must be made by duly licensed professional persons independent of the school attended or program provided, and should be of recent date, preferably within one year of application date.

(c) Criteria and Procedures for Determining Eligibility for an Education Expense Grant

(1) To be eligible for an education expense grant, a child must:

(A) be eligible by age and residence to attend a public school in North Carolina.

(B) qualify as an "exceptional child," which in this case includes the seriously emotionally disturbed, the severely learning disabled, the visually and/or hearing handicapped or impaired, the multi-handicapped, the mentally retarded, the crippled or other health impaired child whose educational needs are so unusual or so specialized that public school programs in the state may not exist to meet those needs. The exceptionality must be substantiated by appropriate professional evaluation as set out in part (b)(5) of this rule.

(C) attend a private or out-of-state school which:

(i) offers an instructional program which will meet the educational needs of the child, and

(ii) is approved as a school for the handicapped for the school year in question by the appropriate public agency in the state where the school is located. If the child has a physical handicap which does not require a different instructional program, but the child is excluded from a regular public school program because of insurmountable architectural barriers or similar environmental factors, a regular non-public school may be specially approved.

(2) An applicant may be approved for a summer program, a Saturday program or other approved program for that portion of his tuition which is directly attributable to his special needs:

(A) if no program is made available by his local board of education to meet his special needs,

(B) if the program for which application is made is approvable in accordance with these policies and regulations,

(C) but, with the understanding that in approving such grants first priority will be given to regular academic year or year-round programs, second priority will be given to summer and/or Saturday programs within availability of funds.

(i) If a child receives a grant during the regular academic year, he shall not be eligible to receive a grant for a summer or Saturday program.

(ii) If a child attends a public school program to meet his special needs during the school year, he shall

not be eligible to receive a grant for a summer or Saturday program.

(3) Initial or continuing approval for an education expense grant shall be contingent upon:

(A) Availability of funds.

(B) Eligibility or continued eligibility of the child as regards residence, age, continuing need or relative need as compared to other applicants.

(C) Approval status of the school attended.

(D) Application by the parent/guardian and certification of the eligibility of the child by the superintendent of the local public school unit where the child resides. Only those applications will be approved in which the superintendent clearly states that he has no program for the child.

(d) Administrative Relationships and Responsibilities

(1) Application for an education expense grant shall be made to the board of education of the administrative unit within which the child resides. Such application shall be signed by the parent or guardian or person standing in loco parentis to the child for whom application is made. The application shall then be sent to the State Board of Education or its delegate.

(2) The State Board of Education or its delegate shall review all applications, approve or disapprove each such application, and advise the local board of its decision.

(3) Payment of approved education expense grants shall be made by the Controller directly to the school attended by the child.

(e) Amount and Payment of Expense Grant

(1) In no case shall the expense grant exceed two-thousand dollars ($2,000) for any one child during any one school year, nor shall it exceed the annual tuition charged to the parent/guardian by the school even though such tuition is less than $2,000 per year.

(2) The expense grant shall be paid directly to the school attended by the child upon certification to the State Board of Education or its delegate by said school of the child's bonafide enrollment and tuition charges to the parent/guardian. The parent/guardian shall certify to the State Board of Education or its delegate the tuition charge made to him by the school.

(3) In no case shall approval for an education expense grant be made for enrollment during a school or fiscal year which has already ended or which has not yet begun.

History Note: Statutory Authority G.S. 115-315.7 to 315.12;
Eff. February 1, 1976

.0609 PROCEDURES FOR REFERRAL, SCREENING, ASSESSMENT AND PLACEMENT FOR CHILDREN WITH SPECIAL NEEDS

(a) Each administrative unit shall develop procedures for referral, screening, assessment and placement of children with special needs. These procedures must be in keeping with the Equal Educational Opportunities Act and follow due process procedures. The local procedures shall be adopted by each local board of education and should address themselves to the steps listed below.

(b) Variations from these procedures may occur when sufficient evidence exists to indicate that children can be properly identified and placed within the intent of the procedures. A written plan detailing the variations with reasons listed shall be submitted to the director, Division for Exceptional Children, for approval prior to their implementation. This plan should be included in the Equal Educational Opportunities Plan.

(1) Referral

(A) When a teacher recognizes that a child's educational needs are not being met, the teacher will provide in writing an assessment of the pupil's strengths and weaknesses. This will be given to the principal of the school who then may contact the chairperson (director or coordinator) of programs for exceptional children. This step may also be initiated by the parent, guardian, surrogate parent, principal or bona fide agency and follow the same procedures.

(B) The pupil will be observed in his regular classes by at least one of the following: the principal, the chairperson of programs for exceptional children, a teacher of exceptional children. At times this step will be eliminated if conditions warrant. If the child is observed, a written description of the child's behavior will be completed.

(C) The regular teacher, the local chairperson or his designee and the principal will confer to determine whether the regular program can be adapted to meet the needs of the child, whether transfer to another regular teacher is advisable, or whether there is the need for special service or placement. If a special program or service is desired, reasons should be given in writing and referral made to the school-based committee.

(D) When a child becomes homebound or hospitalized or is visually or hearing impaired, the referral is primarily medical and, therefore, would not necessarily have to follow the usual procedures other than the required diagnosis.

(E) Children with speech and/or language problems may be identified through mass screening and/or teacher referral.

(2) School-based Committee

(A) A school-based, biracial (at least one member of the committee shall be of the same race as the child) committee to be responsible for initiating screening and assessment of children referred to it should be selected from among the following:

(i) The principal (or his designess) as chairperson
(ii) The teacher referring the child
(iii) The chairperson for exceptional children (or his designee)
(iv) A resource teacher or another teacher of exceptional children teaching in the areas of exceptionality discussed
(v) A psychologist
(vi) A social worker
(vii) A guidance counselor
(viii) A speech, language and hearing specialist
(ix) A physician or school nurse

(B) The following information must be gathered on each child who needs special attention other than that available in a full-time regular classroom with his regular classroom teacher. This information will be presented to the school-based committee.

(i) Initial referral from teacher, principal, parent, surrogate parent or bona fide agency.
(ii) Local chairman and/or principal's observation of the child if needed.
(iii) Recommendations following the joint conference between teacher, chairman and principal requesting special services.
(iv) Comprehensive Screening and Assessment: The assessment of an exceptional child will be multi-factored and multi-sourced in order to provide a comprehensive view of the child from the perspective of the school, home and community. Screening and assessment will be the responsibility of the school-based committee and, where appropriate, other professionals qualified to administer and determine the results of certain technical (clinical) tests which are designed to screen or assess a pupil's strengths and weaknesses in specific areas of learning. The assessment will include some or all of the following information:

(I) Education Functioning:

(1) Screening: The child's existing school records including work samples shall be

collected and analyzed.

(2) Assessment: An assessment shall be made of the child's educational functioning in relation to the educational program of the school. The results of this assessment should be expressed in terms of both the child's strengths and weaknesses. This assessment should be comprehensive, using a full range of available instrumentation and observations, including diagnostic tests and other appropriate formal measurements.

(3) Any classification of students for educational purposes should consist of a description of the types of educational programs and services needed by each child to learn to the fullest extent possible in the school setting, rather than just categorizing the child by some diagnostic label which is unrelated to educational programming.

(II) Psychological Evaluation: The psychological shall include, but not be limited to, the assessment of intellectual functioning and social and personal behavior, adaptive behavior and psycho-motor development. Such an evaluation shall be performed by a qualified examiner who is either certified by the State Department of Public Instruction or licensed under the North Carolina Psychological Licensing Act. Assessment of intellectual functioning shall be based upon the use of the Stanford-Binet Intelligence Scale (1960 revised) or one of the appropriate age-norm Wechsler Intelligence Scales or a test of equal validity and equivalent norms. Social-personal behavior and academic performance shall be measured by test instruments deemed appropriate by the examiner. In categories requiring a psychological, a child shall not be placed, even temporarily, prior to this assessment. The only exception is "if the health or safety of the child or any other individual would be endangered by delaying the change in assignment, the change may be sooner made, but without prejudice to any rights that the child and his parents or guardian may have pursuant to this subsection or otherwise pursuant to law." (G.S. 115-179.1) Due to the time involved in obtaining psychological services and the immediate special needs of some children,

the following option may be considered: the resource teacher works with the child. This constitutes neither special placement nor labeling of the child.

(III) Other Information: Scales and checklists distributed through the Division for Exceptional Children may also be used to identify gifted and talented children. When the psychological is not used as a part of the identification procedure for learning disabled children, these children must exhibit average or better educational potential as determined by instruments approved by the Division for Exceptional Children. This option may only be used upon written prior approval from the Division for Exceptional Children.

(IV) Vision and Hearing: Vision and hearing screening can be conducted by school health nurses and other appropriate personnel. Speech, language and hearing specialists may conduct hearing screening. Medical evaluations of these functions should be conducted by a physician.

(V) Medical: Medical screening may be conducted by the school health nurse. Medical evaluations will be conducted by a physician. Medical problems revealed through screening requiring treatment or additional diagnosis should be referred to a physician.

(VI) Speech and Language Development: The following aspects of speech and language should be evaluated: articulation, fluency, voice and language (syntax, morphology, semantics).

(v) Children with Linguistic or Cultural Differences: When assessment procedures and instruments are selected for use in a local district, adjustments shall be made where necessary to account for the sociocultural and linguistic home environments of pupils. The appropriateness of such procedures and instruments shall be considered in administering tests and evaluating the results.

(vi) Written Educational Recommendations: The school-based committee is responsible for providing in writing to the receiving teacher general recommendations including strengths and weaknesses of the child based on the data collected. These recommendations should be understood by the teacher receiving the child. Specific strategies for the educational program of the child will be developed by the special teacher and will speak to

remediation, enrichment and/or curriculum planning. The written program and committee recommendations will be used in the re-evaluation process in determining continued or changed placement.

(C) If in the school-based committee's judgement, added comprehensive, screening and assessment data is needed, the parent or guardian must be informed of the need and must provide consent in writing prior to any further action being taken.

(3) Administrative Placement Committee

(A) The membership of an Administrative Placement Committee should be selected from the following:

(i) Chairperson, programs for exceptional children
(ii) Chairperson of the appropriate school-based committee
(iii) Superintendent or his designee
(iv) General supervisor
(v) School psychologists
(vi) Other appropriate personnel

(B) The committee should have in membership a person of the same race as the child being considered for placement.

(C) The school-based committee recommends placement to the Administrative Placement Committee.

(D) The Administrative Placement Committee will review data on each child presented from the school-based committee's report and recommendations. The Administrative Placement Committee then renders a decision for placement of the child. All special placement is made by the Administrative Placement Committee.

(E) Once the Administrative Placement Committee has rendered a decision on the placement or services, one of the following procedures should be followed:

(i) A conference is held with the parent or guardian and the following is completed:

(I) The parent or guardian is notified of the committee's decision.

(II) A written statement is drafted indicating that a conference has been held, that the parent is apprised of the committee's decision, and the parent is supplied a description of the program or service to be provided.

(III) The parent is told that he has the right to review the data, to challenge the data and to provide additional data that could have some effect on the placement of the child.

(IV) The parent is told about other agencies that can provide free evaluations if he is unable to pay for additional desired evaluations.

(V) The parent is furnished a copy of the appeal procedures and is apprised of his right to appeal the decision.

(ii) A letter is sent to the parent or guardian including the following:

(I) The committee's decision concerning placement

(II) A written description of the program or service to be provided.

(III) A description of the rights of the parent including the right to review the data, to challenge the data and to provide additional data that could affect the placement of the child.

(IV) A list of agencies that could provide free evaluations if desired.

(V) A copy of the appeal procedures. The letter is sent by certified or registered mail with return receipt requested, unless waived by the parent.

(4) Re-evaluation: Each year the school-based committee should review the placement of all children in special educational programs in their school. Based on this review, the committee will make its recommendation to the Administrative Placement Committee concerning the future placement of the child. The parent or guardian must be notified of any change in placement following due process procedures. After a period of special placement not to exceed three years, an indepth re-evaluation is recommended. This indepth evaluation will be different for each categorical placement and should be designed to provide comprehensive information deemed necessary by the Administrative Placement Committee.

(5) A parent/legal guardian/surrogate parent or eligible student's requests to inspect or review their child's or their own records should be honored within a reasonable period of time, but in no case more than 45 days after the request has been made. The term records should not include a teacher's personal notes.

(6) A parent/legal guardian or eligible student has a right to a hearing to challenge the validity of the contents of the child's or their own record.

(7) Parental consent is required prior to release of records excepting the following:

(i) School officials within the local educational agency who have legitimate educational interests.

(ii) School officials of other local educational agencies in which the student intends to enroll.

(iii) Certain authorized representatives of the state and federal government who are determining eligibility of the child for aid as provided under Public Law 93-380.

(iv) All other persons may gain access to a student's records only with the specific written consent of the parent/guardian or eligible student.

(v) Recipients of student records should be cautioned that pupil information may not be released to third parties without the consent of the parent/legal guardian or

eligible student.

(vi) Eligible students shall have access to their record upon oral or written request. Eligible students are those enrolled in a post-secondary institution or eighteen years of age or older.

(8) Information from a student's record should be furnished without the parent's or student's consent when required by a judicial order or any lawfully issued subpoena upon condition that parents/students are notified by the LEA of all such orders or subpoenas in advance of the compliance. Parents/legal guardians or eligible students should be provided with the opportunity to review and challenge their child's records or their own records prior to compliance of the school with the judicial order of subpoena.

(9) Parental consent is required prior to placement or a change in placement.

(10) Placement Procedures (Involuntary): It is recognized that in the most unusual circumstances it may become necessary to assign a child who has had the appropriate psychological and physical evaluation to a special program without parental consent. This is allowed by G.S. 115-179.1 of the Session Laws of 1974. However, it is recommended by the State Board of Education that such assignment be made only as a last resort, after other remedial measures to deal with the child's special needs have been attempted within the regular school program. Further, it shall be policy that such an assignment shall be made only upon recommendation of the Administrative Placement Committee and with approval of the local superintendent. The parent is entitled to appeal this action following due process procedures.

(11) Recommended and Required Screening and Evaluation Before Placement and Administrative Guidelines

(A) Programs for Crippled Children

(i) Required Screening or Evaluation Before Placement: Medical Evaluation

(ii) Recommended Screening or Evaluation Before Placement:

(I) Educational evaluation

(II) Adaptive behavior evaluation

(III) Psycho-motor evaluation

(IV) Speech and language evaluation

(V) Hearing screening

(VI) Visual screening

(B) Programs for Emotionally Disturbed Children

(i) Required Screening or Evaluation Before Placement:

(I) Educational evaluation

(II) Psychological and/or psychiatric evaluation

(ii) Recommended Evaluation Before Placement:
(I) Medical evaluation
(II) Speech and language evaluation

(C) Programs for Gifted and Talented Children
(i) Required Screening or Evaluation Before Placement:
(I) Educational evaluation
(II) Other information (see "Suggestions for Identifying Gifted and Talented Students" issued by the Division for Exceptional Children, State Department of Public Instruction.
(ii) Recommended Screening or Evaluation Before Placement: Psychological evaluation.

(D) Programs for Hearing Impaired Children
(i) Required Screening or Evaluation Before Placement:
(I) Educational evaluation
(II) Speech and language evaluation
(III) Audiological evaluation
(IV) Otological evaluation
(ii) Recommended Screening or Evaluation Before Placement:
(I) Psychological evaluation
(II) Adaptive behavior evaluation
(III) Visual screening
(IV) Ophthalmological evaluation

(E) Programs for Homebound Children
(i) Required Evaluation Before Placement: Medical evaluation
(ii) Recommended Evaluation Before Providing Services: Educational evaluation.
(iii) Administrative Guidelines:
(I) Local boards of education should develop practices concerning the conditions under which home instruction will take place. The following points should be considered: The presence in the home during the teacher's visit of a responsible adult member of the child's family; a suitable place of work including appropriate equipment, freedom from the distractions of noise and the presence of other children.
(II) The child shall receive with medical approval, a minimum of five hours instruction a week. Credit is to be granted by the child's home school for work satisfactorily completed. Teachers should maintain the usual public school register and submit, for information purposes only, contact and progress reports to the local superintendent and to the principal of the school in which the child is or should be permanently enrolled. Such reports should be made a part of the child's cumulative record.

(F) Programs for Hospitalized Children
(i) Required Evaluation Before Providing Services: Medical evaluation.
(ii) Recommended Evaluation Before Providing Services: Educational evaluation.
(iii) Administrative Guidelines:
(I) A child shall receive with medical approval, a minimum of five hours instruction a week. During confinement the child is enrolled in the local administrative unit where the hospital is located. Instructional supplies, textbooks, library books, and other instructional materials and aids should be provided as needed in the same manner as for all other children enrolled in the public schools. Whenever possible, the child should bring his textbook to the hospital from the home school. The hospital should be responsible for the sterilization of textbooks when necessary. Teacher's editions of textbooks and teacher's guides or manuals should be provided by the administrative unit operating the program.
(II) Since the hospitalized program is approved by the State Board of Education and the county or city board of education, credit is granted by the pupil's home school for all work which, in the opinion of the teachers of the hospitalized pupil, is satisfactorily completed. The teacher of the hospitalized program should submit to the superintendent or to the principal of the school in which the pupil is or normally could be enrolled, a report of work satisfactorily completed for which credit is to be awarded. Teachers should maintain the usual public school register and submit for information purposes only contact and progress reports to the local superintendent and to the principal of the school in which the child is or should be permanently enrolled. Such reports should be made a part of the child's cumulative records.

(G) Programs for Learning Disabled Children
(i) Required Screening or Evaluation Before Placement:
(I) Educational evaluation
(II) Psychological evaluation or other option approved by the Division for Exceptional Children.
(III) Adaptive behavior evaluation and psycho-motor evaluation if psychological is required.
(IV) Medical screening
(V) Hearing screening
(VI) Visual screening

(ii) Recommended Evaluation Before Placement: Speech and language evaluation

(iii) Administrative Guidelines: A child to be enrolled should have an intelligence quotient of 90 or above as determined by an individual psychological evaluation administered by a qualified psychologist. Occasionally a child with a borderline I.Q. (70 to 90) and a learning disability may be placed in the program if he would not profit from any other available program.

(H) Programs for Educable Mentally Retarded Children

(i) Required Screening or Evaluation Before Placement:

(I) Educational evaluation
(II) Psychological evaluation
(III) Adaptive behavior evaluation
(IV) Psycho-motor evaluation
(V) Medical screening
(VI) Hearing screening
(VII) Visual screening

(ii) Recommended Screeing or Evaluation Before Placement:

(I) Medical evaluation
(II) Speech and language evaluation

(I) Programs for Trainable Mentally Retarded Children

(i) Required Screening or Evaluation Before Placement:

(I) Educational evaluation
(II) Psychological evaluation
(III) Adaptive behavior evaluation
(IV) Psycho-motor evaluation
(V) Medical evaluation
(VI) Speech and language evaluation
(VII) Hearing screening
(VIII) Visual screening

(J) Programs for Severely and Profoundly Retarded

(i) Required Screening or Evaluation Before Placement:

(I) Educational evaluation
(II) Psychological evaluation
(III) Adaptive behavior evaluation
(IV) Psycho-motor evaluation
(V) Medical evaluation
(VI) Speech and language evaluation
(VII) Hearing screening
(VIII) Visual screening

(K) Programs for Multi-Handicapped Children

(i) Required Screening or Evaluation Before Placement:

(I) Educational evaluation
(II) Psychological evaluation
(III) Adaptive behavior evaluation
(IV) Psycho-motor evaluation
(V) Medical evaluation

(VI) Speech and Language evaluation
(VII) Hearing screening
(VIII) Visual screening
(ii) Recommended Screening or Evaluation Before Placement:
(I) Audiological evaluation
(II) Ophthalmological evaluation
(L) Programs for Speech and Language Impaired Children
(i) Required Screening or Evaluation Before Placement:
(I) Educational evaluation
(II) Speech and language evaluation
(III) Hearing screening
(ii) Recommended Screening or Evaluation Before Placement:
(I) Psychological evaluation
(II) Medical screening
(III) Visual screening
(M) Programs for Visually Impaired Children
(i) Required Evaluation Before Placement:
(I) Educational evaluation
(II) Ophthalmological evaluation
(ii) Recommended Evaluation Before Placement
(I) Adaptive behavior evaluation
(II) Speech and language evaluation
(iii) Administrative Guidelines:
(I) Special editions of the adopted basal textbooks are available in large type and/or braille. Large type basal textbooks are ordered on special forms furnished by and returned to the Division of Textbooks, State Department of Public Instruction, with "large type" at the top of the order forms. Braille editions of the adopted basal textbooks are specially ordered from the Division for Exceptional Children on forms furnished by the division.
(II) For information on sources of books that have been modified for visually impaired students, send to the Division for Exceptional Children the following information on the regular editions title, author, publisher and copyright date.
(III) Dark-lined paper, graph paper and United States maps for partially seeing children may be ordered on special forms, "Order Blank for Supplies for Visually Impaired," furnished by the Division for Exceptional Children. Raised line paper, graph paper and United States maps for blind children may be ordered on individual order blanks with braille book requests.
(IV) Children who cannot read regular print books and who do not have access to braille or large type may use recorded books. These may be taped

locally or may be borrowed from Recording for the Blind, 215 East 58th Street, New York, New York, 10022.

(V) In order to obtain federal funds for books and materials for the education of the blind, the State Superintendent of Public Instruction must supply information as to each student's name, school system, grade, visual acuity and mode of reading. Forms for reporting this information are sent to the local administrative unit in late December to be returned to the Division for Exceptional Children in January.

History Note: Statutory Authority G.S. 115-315.7 to 315.12; S.B. 1236; S.B. 67; P.L. 93-380; Eff. February 1, 1976

.0610 POLICIES GOVERNING THE ORGANIZATION AND ADMINISTRATIVE STRUCTURE OF THE GOVERNOR'S SCHOOL OF NORTH CAROLINA

(a) The policies adopted by the State Board of Education for the Governor's School of North Carolina are as follows:

(1) That the School be administered and financed by the State Board of Education as a part of and in connection with the Division for Exceptional Children.

(2) That it will be the responsibility of the director, Division for Exceptional Children to coordinate the efforts of the Governor's School director with the Division and State Agency and to coordinate the outreach activities of the Governor's School.

(3) That the State Board of Education appoint and maintain for the School an advisory board to be known as "The Board of Governors," said Board to be composed of ten citizens of the state, one of whom shall always be a state assistant superintendent and one of whom shall always be the administrative head of the institution or facility housing the School, with the remaining eight to be recommended by the State Superintendent and approved by the State Board for not more than two consecutive three-year terms; that the Board of Governors so constituted select from its membership annually a chairman and vice chairman; that the Board meet at least three times each year upon call of its chairman.

(4) That the director, Division for Exceptional Children, or his designee, serve as secretary to the Board; that the Board be given responsibility for recommending the policies which shall govern the administration and supervision of the School and for observing and reviewing all phases of the School's operation.

(5) That the Governor's School director is an employee of the State Agency. That in accordance with the recommendations of the Board of Governors and with the approval of the director, Division for Exceptional Children, the Governor's School director will be given the responsibility for administering the affairs of the School under the direction of the director, Division for Exceptional Children.

(6) That the Governor's School director will recommend to the director, Division for Exceptional Children, the number and types of positions required to staff the school.

(7) That the director, Division for Exceptional Children, will recommend to the Board of Governors for their approval the number and types of positions required.

(8) That the Governor's School director, under the direction of the director, Division for Exceptional Children, be responsible for the development and implementation of

the curriculum of the School and also for recommending procedures which will insure the continuous evaluation of all aspects of the School and its program. The director, Division for Exceptional Children, with the approval of the Board of Governors, will prepare and submit to the State Superintendent and the State Board of Education the recommended budget for the operation of the School.

(9) That the director of the Governor's School periodically submit reports to the director, Division for Exceptional Children on the status of the School and its outreach activities.

.0611 PROCEDURE FOR REVIEW UNDER G.S. 115-179.1
(AN ACT TO ESTABLISH EQUAL EDUCATIONAL OPPORTUNITIES IN THE PUBLIC SCHOOLS: AND FOR OTHER PURPOSES)

(a) G.S. 115-179.1 states that a parent or guardian or surrogate parent of a child must be notified by registered or certified mail, return receipt requested, or by conference of the action taken at any time a child has been or is about to be one of the following. This applies to acts and omissions by state or local authorities.

(1) denied entry or continuance in a program appropriate to his condition and needs.
(2) placed in a program which is inappropriate, unsuitable or inadequate to his condition and needs.
(3) assigned to a special program when he is not a child with special needs.

(b) This means that any time a child with special needs is denied entry to or continuance in a special program, the parent or guardian must be promptly notified.

(c) A child with special needs is defined by the statute to mean any child who because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, environmental factors, or other specific learning disability is inhibited from achieving his full potential; including but not limited to, the educable, trainable, profoundly, and functionally retarded, emotionally disturbed, learning disabled, the physically handicapped, or other impairments including hospitalized, homebound, or pregnant, the deaf or hearing-impaired, the language or speech-impaired, the blind or visually-impaired, gifted and talented, autistic, dependent, abused, neglected, multiple-impaired, and socially maladjusted.

(d) The Act necessarily comtemplates that the parent or guardian of the child can initiate the review process if he feels his child is a child with special needs even when the state or local authority regards the child as fully capable of achieving his full potential in a regular program. The notice to the parent must contain:

(1) A statement of the placement, impending placement or denial of placement with a brief statement of the reasons for the action taken. It should be noted that the act provides that ordinarily no change in the program assignment or status of a child with special needs shall be made within the period afforded the parent or guardian to request a hearing, except that a change may be made with the written consent of the parent or guardian. However, if the health or safety of the child or any other individual would be endangered by delaying the change in assignment, the change may be made but without prejudice to any rights that the child and his parents or guardian may have pursuant to the Act.
(2) A statement clearly informing the parent or guardian that he is entitled to an initial hearing to review the determination of the local or state authority only if he

requests such a review, in writing, not less than fifteen days nor more than thirty days from the date on which the notice is received.

(3) A statement clearly indicating the name and address of the entity to which the written request for review should be addressed.

(4) A statement informing the parent or guardian that the hearing upon review of the decision will be closed unless the parent or guardian requests that it be opened.

(5) A statement informing the parent or guardian that he has access to any reports, records, clinical evaluations or other materials upon which the determination to be reviewed was wholly or partially based or which could reasonably have a bearing on the correctness of the determination.

(6) A statement informing the parent or guardian that he is entitled to examine and cross-examine witnesses, to introduce evidence, to appear in person, and to be represented by counsel at the hearing before either the local school board or the Advocacy Council.

(7) A statement that the child may appear at the hearing.

(e) The Superintendent for Public Instruction and the Secretary of Human Resources are empowered to make, amend or revise rules and regulations for the conduct of hearings under this Act.

(f) Review before Local School Board

(1) The initial hearing should be made before the local school board in all matters which are primarily educational. This contemplates that decisions placing or denying placement to a child in a program operated by a public school will be appealed to the local board of education.

(2) At the hearing before the local school board, the parent or guardian may introduce any reports, records, clinical evaluations or other materials on which the determination which is being reviewed was wholly or partially based or which could reasonably have had a bearing on the correctness of the determination being reviewed. Moreover, the parent or guardian is entitled to examine and cross-examine witnesses, to introduce evidence, to appear in person and be represented by counsel. The child may also appear.

(3) The local official who made the determination that is being reviewed shall be present and shall occupy the position of a party adverse to the parent or guardian. This is implied from the nature of the Due Process hearings provided for under the Act.

(4) The local school board shall make its determination within seven days of the hearing and shall state its conclusion in writing, supported by an explanation of the reasons

for its decision. This shall be referred to as the decision of the local school board. The decision of the local school board shall be immediately sent to the parent or guardian by registered or certified mail, return receipt requested. It shall include a statement clearly informing the parent or guardian that its decision may be appealed to the State Superintendent for Public Instruction only if the parent or guardian requests such an appeal in writing within thirty days of his receiving the decision of the local school board. The name and address of the State Superintendent for Public Instruction should be set forth in the statement notifying the parent or guardian.

(g) Review before Advocacy Council

(1) The initial hearing shall be before the Advocacy Council in all "human resource matters." This contemplates that decisions placing or denying placement to a child in a program operated by the Department of Human Resources or by a program not operated by the public schools will be appealed to the Advocacy Council. A procedure identical to the procedure outlined above for review before local school boards should be established. Similarly, the decision of the Advocacy Council should be immediately sent to the parent or guardian by registered or certified mail, return receipt requested. It should include a statement clearly informing the parent or guardian that the decision may be appealed to the Secretary of Human Resources only if the parent or guardian requests such an appeal in writing within thirty days of his receiving the decision of the Advocacy Council. The name and address of the Secretary of Human Resources should be set forth in the statement notifying the parent or guardian.

(h) Review of Decisions of Local School Boards or of the Advocacy Council

(1) Appeals from the decisions of local school boards: The Superintendent of Public Instruction is empowered to amend or revise rules and regulations for the conduct of such hearings. Among other things, the superintendent is permitted to appoint either a hearing officer or a board to hear such cases. Copies of the rules and regulations of the superintendent should be filed in the Office of the Secretary of State. Hearings to review decisions of local school boards should provide the child, parent and guardian due process. This is clearly contemplated by the Act. This means that the parent or guardian should be afforded a reasonable amount of time to prepare for the hearing before the superintendent's designee or designees. It also means that the parent or guardian is

entitled to present evidence, to examine and cross-examine witnesses, to appear in person and to be represented by counsel. The child may also appear. Final decisions of the hearing officer or the Board appointed by the Superintendent should be in writing and should be supported by a short statement of the reasons for the decision. The parent or guardian should be advised of his right to obtain judicial review of the administrative determination. The statute provides that any appeal of these decisions to the general court of justice must occur within thirty days after notice of such decision. The parent or guardian should be advised of this statutory requirement.

(2) Appeals from the decision of the Advocacy Council

(A) The Secretary of Human Resources is empowered to promulgate rules and regulations for the conduct of hearings upon review of the determination of the Advocacy Council in human resources matters. He may appoint either a hearing officer or a Board to hear such cases. Due process requirements of notice and opportunity to be heard must adhere to any rules promulgated by the Secretary.

(B) The Act requries that local and state officials be apprised of their statutory obligations. The Act requires that local decision-making be accompanied by appropriate notice to the parent of the affected child. It is the responsibility of the Superintendent of Public Instruction and the Secretary of Human Resources to promulgate rules and regulations to insure that an adequate local hearing procedure is available under the Act. These rules must be filed in the Office of the Secretary of State. At this point in time, it is also important that the Superintendent and Secretary designate a hearing officer or officers for state-level appeals.

History Note: Statutory Authority G.S. 115-179.1;
Eff. February 1, 1976

.0612 MODEL STRUCTURE FOR APPEALS TO STATE SUPERINTENDENT OF PUBLIC INSTRUCTION FROM DECISIONS OF LOCAL SCHOOL BOARDS

(a) Procedures for review and appeals to the State Superintendent of Public Instruction from decisions of local school boards under G.S. 115-179.1: The State Superintendent of Public Instruction hereby designates (name of hearing officer) as hearing officer (or as member of Hearing Board) to hear all appeals from decisions of local school boards concerning determinations made pursuant to G.S. 115-179.1

(1) Designation of Hearing Date: Upon written request from a parent or guardian of an affected child, received not more than 30 days from the date of the decision of the local school board, the hearing officer shall designate a hearing date not more than 30 days from the date that the request was received.

(2) Notice to Parent or Guardian: The hearing officer shall notify the parent or guardian of an affected child, at least 20 days before the designated hearing date, by registered or certified mail, return receipt requested, that:

(A) a hearing is scheduled for (date designated) to review the decision of the local school board.

(B) the hearing will be held at (location) at (hour of day) before (name of designated hearing officer).

(C) if the parent or guardian or attorney is unable to attend, a delay must be requested. A delay may be granted by the hearing officer if:

(I) at least 10 days before the designated date, for compelling reasons, the parent or guardian or attorney informs the hearing officer that he is unable to attend or,

(II) at any time before the hearing, because of an emergency, the parent or guardian or attorney informs the hearing officer that he is unable to attend.

(III) the hearing will be closed unless the parent or guardian or attorney requests, in writing, at least 10 days before the hearing date, that it be open to the public.

(IV) the child may attend the hearing if the parent or guardian or attorney so desires.

(V) the parent or guardian or attorney is entitled to have access to any reports, records, clinical evaluations or other materials upon which the determination to be reviewed was wholly or partially based or which could reasonably have a bearing on the correctness of the determination.

(VI) the parent or guardian shall be entitled to examine and cross-examine witnesses, to introduce evidence,

to appear in person and to be represented by counsel.

(VII) notification of the determination of the hearing officer will be forwarded to the parent or guardian by registered or certified mail, return receipt requested, within 30 days of the termination of the hearing. Any appeal of this decision to the courts must occur within 30 days after notice of the decision of the hearing officer is received.

(b) If the hearing officer finds that a delay should be granted, he shall designate an alternate hearing date. The parent or guardian or attorney shall be notified of the alternate date as provided for in this section.

(c) The Hearing: The hearing before the hearing officer shall be informal. Technical rules of evidence need not be observed. However, the hearing officer shall cause a full and complete record of all proceedings to be kept. Upon payment of costs, a transcript of the hearing shall be made available to the parent or guardian or attorney upon request. If the parent or guardian is indigent, as determined by the hearing officer upon appropriate criteria, a transcript will be provided without cost.

(d) Parties: The parent or guardian shall be designated the appellant. The local school board or an authorized representative thereof shall be designated the appellee. The parent or guardian may appear by way of counsel. An appellee must appear.

(e) Conduct of hearing

(1) The hearing officer shall occupy the position of an impartial and unbiased judge; the standard for making the determination shall be the best interest of the child and no child shall be excluded from receiving education or service for any reason whatsoever.

(2) The hearing officer shall direct that the appellant proceed first. The appellant shall then present his entire case. He may introduce evidence and call witnesses. He may challenge the results or conclusions of written reports by his own testimony, the testimony of the child, or the testimony of experts. Any evidence tending to show that the determination of the local school official or of the local school board was unreasonable shall be received by the hearing officer.

(3) The hearing officer, at the close of the appellant's case, shall direct that the appellee proceed. The appellee may introduce all evidence tending to show the reasonableness of the determination being reviewed. The appellee may examine the child only with the consent and under the direction of the hearing officer.

(4) The appellant shall, at the close of the case of the

appellee, be given an opportunity to rebut the contentions of the appellee.

(f) Determination of the hearing officer--final administrative decision:

(1) The determination of the hearing officer shall be designated the final administrative decision. The final administrative decision shall be reached within 25 days of the termination of the hearing. The final administrative decision shall be in writing and shall contain a statement of the reasons and the facts supporting the decision reached. The standard for reaching the decision shall be based upon a determination of what is in the best interest of the child. No child shall be excluded from receiving education or service for any reason whatsoever.

(2) The final administrative decision shall be forwarded to the parent or guardian by registered or certified mail, return receipt requested, as soon as the decision is reached - in no case greater than 30 days from the time of the termination of the hearing. The parent or guardian shall also be notified that:

(A) A transcript of the hearing record is available upon request and payment of costs. If the parent or guardian is indigent, a transcript will be provided without cost.

(B) Judicial review of the final administrative decision is available only if such review is instituted within 30 days of receipt of this notice.

(3) All appropriate local officials shall be promptly notified of the final administrative decision and shall be directed to act in a manner consistent with such decision.

(4) The final administrative decision is the decision of the State Superintendent of Public Instruction.

(g) Decisions rendered in the impartial due process hearing shall be binding on all parties subject only to appropriate administrative or judicial appeal.

(h) "Day" as used in these rules shall mean calendar day.

(i) Nothing contained herein shall prohibit or preclude a parent or guardian from petitioning the State Board of Education for review of the final administrative decision. The final administrative decision, however, is that of the State Superintendent of Public Instruction and the filing of a petition for review with the State Board of Education shall in no way affect, extend or enlarge the requirement that any appeal of the final administrative decision to the courts be filed within 30 days of the receipt of the final administrative decision.

(j) A copy of these rules shall be filed in the Office of the Secretary of State.

History Note: Statutory Authority G.S. 115-179.1;
Eff. February 1, 1976